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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,188	06/01/2001	David C. Mullen	7	2918
34847	7590	04/11/2006		
AVAYA INC. 307 MIDDLETOWN-LINCROFT ROAD ROOM 1N-391 LINCROFT, NJ 07738			EXAMINER ALI, SYED J	
			ART UNIT 2195	PAPER NUMBER

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/872,188	Applicant(s) MULLEN, DAVID C.	
	Examiner Syed J. Ali	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 23 January 2006.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-18 and 20-54 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 6-18, 22, 26-37 and 42-54 is/are allowed.

6) ☒ Claim(s) 1-3, 5, 20, 21, 23, 25, 38, 39 and 41 is/are rejected.

7) ☒ Claim(s) 4, 24 and 40 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 21, 2005 has been entered. Claims 1-18 and 20-54 are presented for examination.

2. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC § 112

3. **Claims 5, 25, and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

4. In line 4 of claim 5, line 5 of claim 25, and line 5 of claim 41, there is a lack of antecedent basis for the term "in response to P." "P" is defined as the probability that the resource will complete servicing its task at the future point in time, and is defined in intervening claims 4, 24, and 40, respectively.

5. Should Applicant choose to amend independent claims 1, 21, and 20 to incorporate allowable claims 4, 24, and 40, respectively (as indicated below in numbered paragraph 15), this rejection would be rendered moot.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-3, 5, 20-21, 23, 25, 38-39, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Svoronos et al. (USPN 5,802,161) (hereinafter Svoronos).**

8. As per claim 1, Svoronos teaches the invention as claimed, including a work-management method comprising:

for a future point in time and each one of a plurality of resources, determining a probability of availability of the one resource at said future point in time (col. 1 lines 13-15, 36-39; col. 2 line 63 - col. 3 line 7);

combining the probabilities to obtain a number (col. 3 lines 22-62; col. 4 lines 11-51; col. 5 lines 8-14); and

using the number to schedule new tasks for the resources for the future point in time (col. 3 line 63 - col. 4 line 10; col. 4 line 62 - col. 5 line 35).

9. As per claim 2, Svoronos teaches the invention as claimed, including the method of claim 1, wherein using comprises scheduling for the future point in time no more than the number of the new tasks to become available for servicing by the plurality of resources (col. 3 lines 14-21).
10. As per claim 3, Svoronos teaches the invention as claimed, including the method of claim 1, wherein combining comprises summing the probabilities to obtain the number (col. 3 lines 22-62; col. 4 lines 11-51; col. 5 lines 8-14).
11. As per claim 5, Svoronos teaches the invention as claimed, including the method of claim 1, in a call center, wherein tasks comprise calls (col. 1 lines 5-12; col. 3 lines 8-10) and scheduling comprises in response to P, determining whether or not to initiate or cancel an outbound call (col. 3 line 63 - col. 4 line 10).
12. As per claims 20, 38-39, and 41, Svoronos teaches the invention as claimed, including a computer-readable medium containing instructions which, when executed in a computer, cause the computer to perform the method of claims 1-3 and 5 (col. 4 lines 62-67).
13. As per claims 21, 23, and 25, Svoronos teaches the invention as claimed, including a work-management apparatus comprising means for performing the method of claims 1-3 and 5 (col. 2 lines 55-62).

Allowable Subject Matter

14. Claims 6-18, 22, 26-37, and 42-54 are allowed.
15. Claims 4, 24, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

16. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J. Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2195

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Syed Ali

April 4, 2006


LEGAL COUNSEL
SUPERVISORY PATENT EXAMINER